

# Brothel-Keeping in India

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## Introduction

Assessments say that prostitution is a multi-million dollar industry in India. The greater part a billion children are in Brothels and they are either sold by their poor guardians or casualties of mishandling. These children are then sent out to the Middle Eastern nations as Sex slaves. Literal meaning of Brothel is worthless person and a building in which prostitutes are available. Prostitution is legal in India, but keeping a brothel and living off immoral earnings is illegal and an offence in the eyes of Indian law. There are many Indian societies that which might have some of old connection with royal families and that time they were making the selection between sex work, but today also these communities support the same belief and force their girls to adopt this completely hate causing expert. These girls are forced to take up this business, trade as it is the main starting point of income for their families. Here we will have a discussion the place where this sex trade is taken as only a starting point of income. Prostitution is the world's oldest profession from the ancient times in India. According to the Human Rights Group, 90% of the populations are trafficked from Nepal. Close to 7000 girls are brought from Nepal to India for body tracing. Nepal is one of the popular destinations among Pimps, and brothel owners as Nepalese women are attractive because of their fair skin and sleek body. The encyclopedia of Sexuality, written by Elizabeth Schroeder states that Human Trafficking is an issue that has gained importance in the recent past usually in South and Southeast Asia. Most offenders who are caught by the police are locals and not foreigners.

## Definition

"Any house, room, conveyance or place, or any portion of any house which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes."- According to the Indian Immoral Traffic Prevention Act of 1956.

## Meaning

<sup>1</sup> Advithi, Prostitution originated along with the origin of mankind, Postcard, (Jun. 10,2018, 3:05 PM) <https://postcard.news/prostitution-originated-along-with-the-origin-of-mankind-heres-a-brief-history-of-sex-trade-in-india/>

<sup>2</sup>H. J.-Fisk, Uncovering the realities of prostitutes and their children in a cross- national comparative study

A brothel is a place where individuals participate in the sexual activity with prostitutes, who are here and they realized to as sex laborers. Actually, any premise where prostitution normally happens qualifies as a brothel. In any case, for lawful or social reasons, foundations once in a while depict themselves as back rub parlors, bars, strip clubs, body rub parlors, studios, or by some other portrayal. Sex work in a brothel is viewed as more secure than road prostitution.

## History & Origin of Brothels

Prostitution is almost certainly not the world's oldest profession. That would probably be hunting and gathering, followed perhaps by subsistence farming. Prostitution has existed in nearly every civilization on earth, however, stretching back throughout all of recorded human history. Whenever there have been money, goods or services available for barter, somebody most likely bartered them for sex.<sup>1</sup>

The history of prostitution in India dates back to the Indus Valley civilization, which existed around 3000 B.C. Due to the mysterious extinction of this civilization, there are no available written documents to prove the existence of prostitution during this period, but excavations have unearthed a statue of a bronze dancing girl from this era. The Vedas, authors of one of the holy books of Hindu, referred to prostitution as one of their cultures' organized and established institutions. Even in Indian mythology, there are many references to high-class prostitution in the form of Apsaras, which are demigods, acting as prostitutes; some of their names are Menaka, Rambha, Urvashi, and Thilothamma (Jaishankar & Haldar, 2008). These Apsaras were revered for their perfect form, and possessed unsurpassed beauty and feminine charms.<sup>2</sup>

Vedic culture however in view of high good qualities and powerful theories did not play Judas on the joys of life. Disregarding the country predisposition of Vedic culture, there is confirm indicating the way that prostitution existed in Rig Vedic times. The soonest specify of prostitution happens in the Rig Veda, the eldest literary work of India.

During the late 16th and 17th century, when certain parts of India were a colony under the Portuguese, Japanese women were captured and brought to India as sex slaves. Another example of the increased use of women as sex workers can be during the Company Rule in India. The military established brothels (Current red-light areas of Mumbai) for its troops across many parts of India. Rural women and girls were employed by these brothels and were paid by the military directly.<sup>3</sup> During the late 19<sup>th</sup> and early 20<sup>th</sup> centuries thousands of white women from continental Europe were trafficked to India

between India and the U.S., Menshandleweb, PP 15-16, (2013).

<sup>3</sup> Advithi, Prostitution originated along with the origin of mankind, Postcard, (Jun. 10,2018, 3:05 PM) <https://postcard.news/prostitution-originated-along-with-the-origin-of-mankind-heres-a-brief-history-of-sex-trade-in-india/>

for purposes of prostitution to serve the British and the local Indian men.<sup>4</sup>

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## Communities in India

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There are many types of communities in India where prostitution is the main or only source of income for the entire family and in some places, it is openly practiced as their customs and traditions. They are as follows:

- **Bachara Tribe, Madhya Pradesh:** In this community, the oldest daughter of the family is born and brought up with the knowledge that once she gets older the younger daughter of the family takes over the belief of working as a prostitute.
- **Wadia Village, Gujarat:** This village is famous for prostitution as bread earners in these families are girls and boys are trained to become pimps. Men come here from nearby places like Ahmedabad, Rajasthan and from out of India i.e. Pakistan to have sex and pay for it.
- **Nat Purwa, Hardoi district in east Uttar Pradesh:** This Nat community village was brutally beaten, arrested and locked up by the Britishers in the colonial period because of their criminal activities so the women had no other choice than prostitution because it was the only traditional source of their livelihood.
- **Devdasi system, Karnataka:** This popular system considered girls as holy prostitutes because the girls were served by the parents to the temples in offertory to serve God and their religion through dancing during prayer service, singing but were misused by spiritual leaders. Till Mughal dynasty, it was followed as keeping concubines, dancers, and singers in royal palaces and after the downfall of Mughal Empire, they were left for public prostitution because of illiteracy, social backwardness, and poverty the girls had no other option left in the state.
- **Bedia community, Madhya Pradesh:** It is the community where people celebrate whenever a girl child is born and desires for a baby girl. "Women born into a Bedia family remain unmarried. They engage in prostitution in order to provide for the economic needs of their natal family. And Bedia men have developed a strong resistance to any change in their mode of life."<sup>5</sup> Writes Anuja Agrawal (Chaste Wives, and Prostitutes Sisters: Patriarchy and Prostitution among the Bedia.)

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## Areas of Prostitution

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- **Sonagachi, Kolkata:** Sonagachi is one of Asia's largest Red light areas where women have the highest street profile than men because most of them are prostitutes. 2.5 million Women and children among them 500000 prostitutes are under

16. 9000 ladies, who work in Sonagachi are trafficked into the nation from Bangladesh or Nepal.

- **Kamthipura, Mumbai:** India is in this way home to Mumbai's scandalous "Kamathipura, Asia's biggest seedy area of town". Kamathipura began as an enormous brothel for British occupiers. It moved to a neighborhood customer following Indian autonomy. 70% of sex workers in Kamathipura are evaluated to be HIV positive (Avert 2006), and the event of any sexually transmitted contamination is a normal 90% (authoritative get-together bill VII, as referred to in Gangoli, 2006).
- **Budhwar Peth, Pune:** It is a business area where electrical goods market, books, and traditional items are purchased and sold. It is also known as one of the largest red light areas in India with around 5000 commercial sex workers.
- **Meergunj, Allahabad:** It is a red-light area in Allahabad, Uttar Pradesh. Aside from nearby sex workers, numerous hail from the Indian states of West Bengal, Bihar, Jharkhand, Madhya Pradesh and the neighboring nations of Nepal and Bangladesh.
- **Garstin Bastion Road, New Delhi:** It is the biggest red light area in Delhi in which nearly 3,500 sex workers live and work. This place is known for the hundreds of brothels along the streets. The kothas or brothels are placed above the market where machinery and vehicle parts are sold.
- **Chaturbhuj Sthan, Mujjafarpur:** Chaturbhuj Sthan is a red-light district in Muzaffarpur, a region in the territory of Bihar, India. The territory is said to exist since the Mughal time frame and is home to in excess of 3,500 sex workers. The place got its name from the renowned Chaturbhuj Sthan Temple situated there.
- **Itwari, Delhi (Ganga Jamuna area):** It is a hotspot of sex workers, along with other criminal activity which is infamous from the other red light areas.
- **Shivdaspur, Varanasi:** The edge of Varanasi city in eastern Uttar Pradesh this red light village is known for the cheap brothels being run from homes another leftover of the ancient times that lost its sheen a while.

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## Causes

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There are many prostitutes who are over-powered to adopt prostitution to feed themselves and their family and children. These causes are:

- Economic factor- Poverty, underage employment, bad working conditions, pollution and corruption in industrial centers, immoral traffic in children and women,
- Psychological factor- Frigidity
- Social factor - Family causes, marital factors, bad-neighborhood, illegitimate motherhood.

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<sup>4</sup> N. Anand, Why prostitution should be legalized and regulated in India?, MightyLaws.in, (Jun. 11, 2018, 08:11AM), <http://www.mightylaws.in/229/prostitution-legalized-regulated-india>

<sup>5</sup> S. Jindal, Tradition of prostitution: Bedia Community, Fuccha voice of youth (Jun. 11, 2018, 10:13 AM), <http://www.fuccha.in/tradition-of-prostitution-bedia-community>

- Biological factor- Defective sex organs, overactive glands.
- Religious and cultural factor- Devdasis, polyandry and polygamy, lesbianism, eunuchs, Apsaras.

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## Effects

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### Children Born in Brothels

According to the National Human Rights Commission (NHRC), in India alone, there are approximately 5.4 million children of prostitutes and the majority of them live with their mothers in red light areas (NHRC-2008).<sup>6</sup> One of the first concerns for a child growing up in the sex industry is their safety. Many of the women are homeless and their chaotic life does not allow them to properly take care of their children. With women in prostitution still being criminalized, women tend to be incarcerated/face arrest and to have their children sent to a relative or taken under the care of the state. A lack of institutions in other parts of the world, such as India and Southeast Asia, forces many children to stay with the mother even when she cannot provide the care that the children need. Regardless of having custody of their child, Indian mothers state that the lack of family and societal support makes it difficult for them to be an effective mother. They are often challenged to keep themselves and their children safe in a dangerous environment.<sup>7</sup> At the point when kids remain with their moms, they are frequently misused and progressed toward becoming part of the sex industry. In the brothels of India, young children are compelled to help their moms and find out about prostitution at an exceptionally youthful age. The larger part of girls experiencing childhood in Indian brothels moves towards becoming prostitutes themselves, most having their first sexual experience by the age of eight or nine years. When they begin to menstruate, the girls are enrolled with the brothel proprietor and the police and their income goes to the brothel keeper or mother. These young ladies are exploited by purchasers, brothel proprietors, and policemen and they confront an extremely risky time amid their initial years being undermined. The psychological damage is a common problem for children growing up in the sex industry. Many children of prostitutes have a hard time with social exclusion. In many parts of the world, religion is extremely important in the brothel communities and most children are forced to live with a deep sense of guilt or disgrace about their parent's profession.<sup>8</sup> The way

that they are not acknowledged by society and feel a feeling of disgrace frequently prompts their future inclusion in prostitution. Numerous young girls will follow in the way of their moms because of an absence of different open doors in the network and in addition their low confidence and disappointment. In Indian brothels, most young men don't see a future and utilize liquor and medications as a method for dealing with stress. Considerations of suicide are regular for both genders, and their condition and introduction to business sex and other illicit exercises can standardize certain practices making it difficult for them to conform to basic culture.

### Society

Prostitute performs two functions in the society-viz., the business capacity, and well-being capacity. The brothels, call flats and disorderly hotels where prostitution is allowed turned out to be available spots for the general population to have free sex fulfillment. The supervisors of inns, pimps, panderers, and prostitutes execute culpability in the public arena by instigating and kidnapping girls. They fall back on different foul strategies for securing young innocent girls and ladies to make their exchanges exceptionally prosperous and beneficial. By this, they wreck the identity, communicate diseases, scatter marriage and demolish the group of numerous young ladies and individuals in the society.

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## Rights

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**Bombay Devdasi protection Act, 1934** - The first legal initiative taken by for stopping the Devdasi system dates back to 1934 when the Bombay Devdasi Protection was passed by the British government. This act covered the Bombay state, as it existed then. The Bombay Devdasi protection act declared dedication of woman as an illegal act, irrespective of the fact whether the dedication was made with her consent or not. Concurrently the Bombay Devdasi protection act, the Madras Devdasi (the protection of dedication) act 1947 was also in operation. In 1982, Karnataka banned the Devdasi tradition of girls to god and goddess. Andhra Pradesh followed this in 1989.<sup>9</sup>

**Bars on brothels for the security of prostitutes:** - To protect the women from violent customers, police introduced bars to the windows and doors of brothels in the 1890s. These "cages" still exist today and some

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<sup>6</sup>M. Villemain, the children of prostitutes: The victims without a voice, C.K. Mensenhandel, (Jun. 12, 2018, 05:04 PM), <https://www.mensenhandelweb.nl/system/files/documents/05%20mrt%202015/The%20Children%20of%20Prostitutes-%20the%20victims%20without%20a%20voice%20Final.pdf>

<sup>7</sup>M. Villemain, the children of prostitutes: The victims without a voice, C.K. Mensenhandel, (Jun. 12, 2018, 05:04 PM), <https://www.mensenhandelweb.nl/system/files/docum>

[ents/05%20mrt%202015/The%20Children%20of%20Prostitutes-%20the%20victims%20without%20a%20voice%20Final.pdf](https://www.mensenhandelweb.nl/system/files/documents/05%20mrt%202015/The%20Children%20of%20Prostitutes-%20the%20victims%20without%20a%20voice%20Final.pdf)

<sup>8</sup>M. Villemain, the children of prostitutes: The victims without a voice, C.K. Mensenhandel, (Jun. 12, 2018, 05:04 PM), <https://www.mensenhandelweb.nl/system/files/documents/05%20mrt%202015/The%20Children%20of%20Prostitutes-%20the%20victims%20without%20a%20voice%20Final.pdf>

<sup>9</sup> E.G. Thukral, *Status of children in India* 9, (2005).

women continue to work and live in the same brothels constructed by the British.<sup>10</sup>

**Suppression of Immoral Traffic in Women and Girls Act (SITA) 1956:** In 1956, Government of India passed suppression of Immoral Traffic in Women and Girls Act which discusses the relationship between trafficking and prostitution. It was further amended and changed as Immoral Traffic Prevention Act known as PITA.

**Immoral trafficking (prevention) Act, 1956 (ITPA):** According to this act the running of a brothel; living on the earnings of a prostitute; procuring, inducing or taking a person for the sake of prostitution; and detaining a person in a place where prostitution is carried on. The Act also provides for the rescue and rehabilitation of victims/survivors of trafficking, action against exploiters and increased punishment for trafficking offenses involving children. In general, punishment is stringent under the Act and ranges from seven years to life imprisonment.<sup>11</sup>

#### IPC and prostitution-

354- Assault or criminal force to women with intent to outrage her modesty.

366- Kidnapping, Abducting or inducing women to compel her for marriage.

372- Selling minor for purposes of prostitution.

373- Buying minors for purpose of prostitution.

376- Punishment for rape

377- Unnatural offences

498- Enticing or taking away detaining with criminal intent married women.

#### Indian Constitution-

Article 21: Protection of life and personal liberty

Article 23: Prohibition of traffic in the human being

#### Preventive Measures

- Sex education
- Employment opportunities for women
- Abolition of social custom and tradition
- Public awareness
- Establishment of venereal disease clinic
- Free medical test

<sup>10</sup> Horrors of Indian Brothels, BBC News, (Jun. 12, 2018, 07:38PM) <https://www.bbc.com/news/world-asia-india-24530198>

<sup>11</sup> Preventing and combating the trafficking of girls in India using legal empowerment strategies, IDLO, 10-11 (2010).

<sup>12</sup> S. Narayanan, Prostitution: A Brief History, Speaking tree.in(Jun. 14, 2018, 02:57 PM),

#### Current Scenario of Brothels in India

Yes, sex-work is lawful in India but not brothel running. If a woman charges money from a man for having sex with him, it is not a criminal offence nor is there any law to stop her from doing so. However, it must be noted that it does not mean, that everyone can do it. Indian law has been designed in such a way that it does not criminalize prostitution but stops all the activities all round nearby it. So if a woman cannot be prosecuted for having sex, after taking money, Indian law does not allow anyone to run a brothel. And if anyone runs a brothel or lets brothel running in the building owned by him/her then he/she is surely inviting penal action. Prostitution in itself is not punishable by law but activities such as running a brothel, soliciting and pimping are punishable under law. According to the Human Rights Watch Report, there are 20 million prostitutes in India out of which 35% are below the age of 18 years. Due to the lack of strict laws, prostitutes are often exploited by pimps and owners of brothels. This has resulted in several crimes against women wherein they are kidnapped for business under this occupation.<sup>12</sup> The law also makes it as if caused crime pimping. So if anyone is acting as a pimp to get customers for a wrong, he/she will be punished. The reason behind such a law is that if a lady is had to do within sex-work because of reasons like poverty, pressure, and coercion should not be subject to further trouble-making by police.

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#### Merits and Demerits of Legalization of Brothels

##### Merits

- **Reduces minor girls trafficking:** The brothel owners have to register their brothels and their workers and if any minors are working under them, then the government can take strict action against the brothel keepers which will lead to reducing in trafficking of minors.
- **Reduce violence and sex crimes:** By legalizing it gives power to sex workers to approach police easily whenever they feel any danger from any pimps, brothel owner or their clients. It will give them the opportunity to do their own business

<https://www.speakingtree.in/allslides/prostitution-a-brief-history/is-it-legal>

<sup>13</sup> Advithi, Prostitution originated along with the origin of mankind, Postcard, (Jun. 10,2018, 3:05 PM) <https://postcard.news/prostitution-originated-along-with-the-origin-of-mankind-heres-a-brief-history-of-sex-trade-in-india/>

without the control of any abusive pimps, which reduces the possibility of violence and abuse.

- **Protect minors:** By implementing stricter laws regarding the child sex slavery, it will reduce child exploitation and give protection to it.
- **Victimless Crime:** The women who choose to offer and serve sex trade by their will then no one will force or bound them to do such acts.
- **Save countries a lot of money:** Once legalized the government will not have to spend a huge amount on additional law officials to hunt down brothel keepers and carrying for these keepers into jail.
- **Benefit the government through taxes:** The brothel owners and sex workers obtain license and registration and can enjoy their legal income i.e. taxable.
- **Employment right to the sex workers:** The legal employed persons can claim for these employment rights which are - safety rights, minimum rights, health benefits, vacation pay and protection against unlawful discrimination.
- **Sex workers have the right to their body:** If a prostitute works individually then she has the right over her body but if she works in a brothel then the brothel owner bound her to do work even when she is unable to work.

#### Demerits

- **Prostitution can't be prevented:** The areas and the communities who are living on the earnings of prostitution and considering it as their main source of income, it is difficult to leave this custom so anyhow the sex workers have to feed their dependents from these earnings because of illiteracy, poverty, and unemployment.
- **Limited support programmes:** Because the government is unable to reach each and every brothel units which are placed in remote areas and due to lack of awareness, the government cannot work for the development and protection of the workers.
- **Difficult to approach:** Because of the fear of brothel keepers, who bound them to work for more hours than it's needed. The sex workers find it difficult to do such an act which is against the brothel owners so in hesitation they don't approach the officials.
- **Effect on marital relationship:** The relationship between husband and wife deteriorate because of easy availability of brothels. Men find it easy to have sex with multiple women and this affects their marriage badly.
- **Effect of vulnerable Diseases:** Lack of awareness can cause STD (sexually transmitted diseases), HIV/AIDS or any vulnerable disease because the brothel owners are more concerned about their money rather than giving precautions to the workers.

- **The Increment in trafficking:** - To gain sexual pleasure the clients demand more workers and consequently trafficking of girls, child and women increase. So to fulfill the needs of their clients, the pimps and the brothel owners hunt for people for more trafficking.
- **It does not reduce violence:** The safety policies in many legal brothels simply do not protect women from harm. Women who work in these brothels have indicated that they were abused by buyers, brothel owners, and even their friends. 'Although 60 percent of women reported that buyers had sometimes been prevented from abusing them, half of those women answered that, nonetheless, they thought that they might be killed by one of their 'customers'.<sup>14</sup>
- **Licensing problem-** In 2000 the Dutch government (legalized) the already massive and highly visible brothel trade. The Dutch government hoped to play the role of the honorable pimp, taking its share in the proceeds of prostitution through taxation. But only 5% of the women registered for the tax because no one wants to be known as a whore- however legal it may be. Illegality has simply taken a new form, with an increase in trafficking of unlicensed brothels and pimping. Legalization has not been emancipation. It has instead resulted in the appalling, inhuman, degrading treatment of women. And as the Dutch government reforms itself from pimp to protector, it will have time to reflect on the damage done to the women caught in this calamitous social experiment.<sup>15</sup>

#### Case Law

**Gaurav Jain v/s Union of India (1997 SC):** The conditions of prostitutes in general and the sad condition of their children, in particular, were highlighted. Instead of making separate provisions for the children of prostitutes the Court issued directions for a multi-pronged approach in mixing the children of prostitutes with other children. The Supreme Court issued directions for the prevention of induction of women in various forms of sex work. It said that women should be viewed more as victims of going against society and money than offenders in our society.

**Vishal Jeet v/s Union of India (1990, 3 SCC 318):** In this case, there was a PIL against forced prostitution of girls, devadasis, and jogins, and for their rehabilitation. The Supreme Court held that in spite of stringent and rehabilitative provisions under the various acts, results were not as desired and, therefore, called for the evaluation of the measures by the central and state governments to ensure their implementation. The court called for severe and speedy legal action against exploiters such as pimps, brokers and brothel owners. Several directives were issued by the court, which, inter alia, included setting up of a separate Zonal Advisory

<sup>14</sup> K. Trifolios, Legalizing Prostitution, Law school student scholarship, (Jun. 14, 2018, 09:07PM) [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1147&context=student\\_scholarship](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1147&context=student_scholarship)

<sup>15</sup> J. Bindel, Top pro and con arguments, procon.org. (Jun. 13, 2018, 12:05 AM), <https://prostitution.procon.org/view.resource.php?resourceID=000115>

Committee, providing rehabilitative homes, effectively dealing with the devadasi system, jogin tradition etc. The apex court held that It is highly deplorable and heartrending to note that many poverty-stricken children and girls in the prime of youth are taken to 'flesh market' and are forcibly pushed into the 'flesh trade' which is being carried on in utter violation of all canons of morality, decency, and dignity of humankind. There cannot be two opinions - indeed there is none - that this obnoxious and abominable crime committed with all kinds of unthinkable vulgarity should be eradicated at all levels by drastic steps. The apex court had demanded an objective multidimensional study and investigation into the matter relating to the causes and effects of this evil. The Central and State governments had initiated several programmes and policies in compliance with the directive of the Supreme Court.<sup>16</sup>

### Conclusion – Should Brothel Keeping Be Legal?

**Acceptance in suppression:** The arrested women often confess their guilt so that they do not have to undergo the tortuous behavior by the court and the police officers through asking counter questions consequent harassment and they have to face the pimps, traffickers and brothel owners in court hearings again and again. Sometimes from the fear of brothel keeper women hesitate to go against them and usually women are unaware of their rights so they are not properly defended.

**Difficulty in summarizing:** It is difficult to summarize in issues related to unwarranted arrest of victims, failure to initiate action against the traffickers, gender-discrimination in law enforcement, dissatisfaction with the working of the criminal justice system, huge gap between reported crimes and unreported crimes, lack of partnership of police with civil society and other government departments, lack of training, orientation, skills and knowledge.

**Unwilling and involuntary victims:** According to our research we have found that women doing prostitution by their will are a myth because the workers are doing these activities to provide adequate food, safe shelter, education, and clothing to their dependents. Brothel keepers take advantage of this deprivation and pressure the women into providing sexual acts to customers without condoms or to work extra hours so that the brothel keeper can make more money. Intoxication and legal issues are also used to exploit many women to work under them.

**Bonded labor-** It is considered as a profession but the sex workers have no labor rights given. Veronica Monet, prostitute and author said- "Most of the brothels do not

care about the women who work for them. They care about the clients who are paying them. The women who work in legal strip, clubs and illegal brothels do not benefit from any kind of labor rights".<sup>17</sup>

**Politics in Prostitution-** In India brothel-keeping and living on the earnings of prostitution is illegal but still, the brothel keepers are running these types of illegal homes where prostitution is carried out. They are strongly powered and supported by the high level of authorities like politicians, police officers, local authorities, etc. If a woman wants to raise her voice against any of these brothel-keepers then she is unable to do so as they all are linked to each other.

**Loopholes in Legislation-** In India trafficking and profiting by selling a person for sex is illicit but paying for sex with an adult prostitute is not. The provisions of SITA discriminate against the victim and punish them, in direct contravention of the trafficking convention.

**Minors in danger-** Darbar Mahila Samanvya (DMSC) an organization founded in 1995 that now represents 65 sex workers in West Bengal focuses on the efforts made to rescue minors entering the trade and those are deceived into joining it. A former prostitute, who leads the campaign said- "We have realized that we are the most effective weapon against this social evil that forces minor girls into the sex trade," - Bharati Dey.<sup>18</sup>

As it is said that every coin has two sides legislation too has some shortcomings. Legalizing prostitution would benefit the pimps and the facilitators, not the victims. In India, where women are coerced into the trade and kept in it almost like bonded laborers, such a move will not benefit them. Commercial sexual exploitation is a form of slavery and slavery cannot be legalized. India should not compare itself with other western countries where prostitution enjoys legal status because our social customs are more unlike those of west. Since abortion is illegal in India there is no question of legalizing prostitution. So, giving legal status to prostitution means society is giving the approval to flash trade. Some critics say that prostitution wrecks personality and affect the family relationship. Prostitution affects family life, communicates diseases and brings social disorganization.<sup>19</sup>

*"They say she's a prostitute because she sells her body, but what will they call those men who are paying for them?" - Unknown*

<sup>16</sup> P.M. Nair, Trafficking in Women & Children in India, UNIFEM, 283(2002-03).

<sup>17</sup> V. Monet, Should Prostitution Be Legal in Licensed Places like Brothels?, Procon.org(Jun. 14, 2018, 08:46PM), <https://prostitution.procon.org/view.answers.php?qquestionID=000111>

<sup>18</sup> B. Majumdar, India turns to prostitutes to help beat trafficking, Reuters, (Jun. 13, 2018, 09:09PM), <https://www.reuters.com/article/us-india-prostitutes/india-turns-to-prostitutes-to-help-beat-trafficking-idUSDEL2157520080111>

<sup>19</sup> D. Roy, "Prostitution"- A case for legislation in India, IJETST, 3204 (2015).